

Notice of Allowability

Application No.

09/745,619

Examiner

Fadi H. Dahbour

Applicant(s)

BENZ ET AL.

Art Unit

3743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 09/28/04.
2. ☒ The allowed claim(s) is/are 1,3-11,14-19,22,24,25,28,30,37 and 38.
3. ☒ The drawings filed on 12 March 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Fadi H. Dahbour
12/6/04
Fadi H. Dahbour
Examiner
Art Unit 3743

EXAMINER'S AMENDMENT

1. The Examiner acknowledges Applicant's submission of the amendment filed on 09/28/04. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David P. Ruschke on 12/06/04.

The application has been amended as follows:

Claims 12-13, 20-21, 23, 26-27, 29, 31-36 and 39-44 have been canceled.

2. The following is an examiner's statement of reasons for allowance:

The prior art of record does not teach or fairly suggest the recitations of the specific features of the electrically insulating material and method, of claims 1, 14-15, 22, 24, 28, 30 and 37, including especially the following:

The primary reason for the allowance of independent claim 1, is the inclusion of the voltage stabilizing agent being covalently linked to or within the polymeric component.

The primary reason for the allowance of independent claim 14, is the inclusion of covalently attaching at least one voltage stabilizing agent pendant to a polymeric backbone.

The primary reason for the allowance of independent claim 15, is the inclusion of the voltage stabilizing agent being covalently linked to or within the polymeric component.

The primary reason for the allowance of independent claim 22, is the inclusion of the at least one voltage stabilizing agent, and the implanted medical device being selected from

an ICD, a medical lead, an IPG, a PCD, a neurostimulator, a nerve stimulator, a muscle stimulator, a monitoring device, a fluid handling device, a defibrillator, a gastric stimulator, a drug pump, and a hemodynamic monitoring device.

The primary reason for the allowance of independent claim 24, is the inclusion of the voltage stabilizing agent being covalently linked to or within the polymeric component.

The primary reason for the allowance of independent claim 28, is the inclusion of the voltage stabilizing agent being covalently linked to or within the polymeric component.

The primary reason for the allowance of independent claim 30, is the inclusion of the voltage stabilizing agent being covalently linked to or within the polymeric component.

The primary reason for the allowance of independent claim 37, is the inclusion of the interpenetrating polymer network formed by the first polymer comprising at least one linked voltage stabilizing agent and the second polymer.


3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fadi H. Dahbour whose telephone number is 571-272-4792. The examiner can normally be reached on M-F, 9am-5:30pm est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry A. Bennett, can be reached on (571) 272-4791.

Art Unit: 3743

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


12/6/04

Fadi H. Dahbour
Examiner
Art Unit 3743